

KATTEN MUCHIN ROSENMAN LLP

575 Madison Avenue
New York, NY 10022

T: (212) 940-8800

F: (212) 940-8776

*Attorneys for Defendants Royal Bank of Canada
and RBC Dominion Securities Corporation
n/k/a RBC Capital Markets Corporation*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

-----x
HEALEY ALTERNATIVE INVESTMENT
PARTNERSHIP,

Plaintiff,

vs.

ROYAL BANK OF CANADA and RBC DOMINION
SECURITIES CORPORATION n/k/a RBC CAPITAL
MARKETS CORPORATION,

Defendants.
-----x

NOTICE OF MOTION

No. 10-01567 (RMB) (KMW)

MOTION DATE:
November 4, 2013

PLEASE TAKE NOTICE that, upon the annexed Affidavit of William M. Regan, dated October 11, 2013, and the exhibits thereto, and the accompanying Memorandum of Law, and upon all prior pleadings and proceedings herein, Defendants Royal Bank of Canada and RBC Dominion Securities Corporation (n/k/a RBC Capital Markets, LLC) (together, “RBC”) will move this Court, before the Honorable Karen M. Williams, in the courtroom thereof at the Mitchell H. Cohen Building & U.S. Courthouse, 4th & Cooper Streets, Camden, NJ 08101, on November 4, 2013 at a time to be determined by the Court, for an Order, pursuant to Rule 37 of the Federal Rules of Civil Procedure: (i) compelling Plaintiff Healey Alternative Investment Partnership (“Healey”) to produce, for the relevant time period: (a) its tax returns; (b) its general

ledgers; (c) all documents reflecting its monthly accounting; (d) all documents reflecting its ownership percentages and the fair market value of each of the limited partners interest in Healey; (e) its reports to investors; and (f) any and all additional unproduced material which reflects Healey's calculation and/or understanding of the Option Value, Valuation Price, Final Option Value, and/or Final Valuation Price (as those terms are used in the Agreement) and/or any amount due and owing to Healey under the Agreement; (ii) compelling Healey to supplement its interrogatory responses to provide meaningful responses to Interrogatories Nos. 12-15; (iii) deeming all of RBC's requests for admission to Healey that Healey did not expressly admit or deny as admitted by Healey; and (iv) and further relief as may be just and appropriate in the circumstances.

Plaintiff's papers in opposition to the motion shall be due on or before October 21, 2013, and Defendants' reply papers shall be due on or before October 28, 2013.

Defendants respectfully request oral argument.

Dated: New York, New York
October 11, 2013

KATTEN MUCHIN ROSENMAN LLP

By: s/ William M. Regan
Scott A. Resnik
scott.resnik@kattenlaw.com
Bruce G. Vanyo
bruce@kattenlaw.com
William M. Regan
william.regan@kattenlaw.com
575 Madison Avenue
New York, NY 10022-2585
(212) 940-8800 (phone)
(212) 940-8776 (fax)

*Attorneys for Defendants Royal Bank of Canada
and RBC Dominion Securities Corporation
n/k/a RBC Capital Markets, LLC*

TO:

Ernest E. Badway
FOX ROTHSCHILD LLP
75 Eisenhower Parkway, Suite 200
Roseland, NJ 07068-1600

Attorneys for Plaintiff Healey Alternative Investment Partnership